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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,690	08/31/2000	Jeffrey L. Huckins	INTL-0454-US(P9662)	3146
21906	7590	12/15/2005		
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			EXAMINER SALAD, ABDULLAHI ELM I	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/652,690

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Salad E. Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1, 2-11 and 13-23 is/are allowed.
- 6) ☒ Claim(s) 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The amendment filed 11/15/2005 has been received and made of record.
2. Claims 1, 3-11 and 13-20, 24-31 are pending.
3. The last office action examiner have indicated claims 24-31 were allowable.

However, upon further consideration of the claims, a new ground(s) of rejection is made. Examiner apologizes for any burden bears to the applicant.

***Allowable Subject Matter***

4. Claims 1, 3-11 and 13-20 are allowed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Pothapragada et al., U.S. Patent No. 6,389,432[hereinafter Pothapragada] In view of Tomita et al., U.S. Patent Application Publication NO. 2002/0188626[hereinafter Tomita]

As per claim 24, 27 and 30 Pothapragada disclose a method comprising:  
receiving on a first client (SAN-1 Manager 100) a message (i.e., request) from a server (server A) addressed to said client (the manager being operable to receive a request for storage space from a requester, the request specifying one or more criteria associated with the requested storage space) (see col. 2, lines 39-53 and col. 7, lines 35-45).

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Pothapragada, is silent regarding

controlling management of data storage by said client based on information included in said message.

Tomita discloses a disk storage with modifiable data management function system including controlling management of data storage by said client based on information included in said message (see fig. 4 and paragraphs 00446-0048). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Tomita such as controlling management of data storage by said client based on information included in said message into the system of Pothapragada to provide a disk storage management mechanism with extended functionality according to the parameter contained in the modification request message.

In considering claims 25, and 28 Tomita discloses a method including transmitting a message including an identifier which specifies a task to perform on a storage device. (see fig. 4 and paragraphs 0046-0048).

As per claims 26, 29 and 31 the method including transmitting a message to an agent on said client to cause the client to alter the way information is stored on said client (see fig. 4 and paragraphs 0046-0048).

### CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad  
Primary Examiner  
12/12/2005

  
**ABDULLAHI SALAD**  
**PRIMARY EXAMINER**